

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON – AT SEATTLE

KENNETH FLEMING, JOHN DOE, R.K. and
T.D.,

Plaintiffs,

VS.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole, a/d/a "MORMON CHURCH"; LDS
SOCIAL SERVICES a/d/a LDS, a Utah
corporation.

Defendants.

NO. 04-2338 RSM

**DECLARATION OF MICHELLE A.
MENELEY RE: PLAINTIFF'S REPLY TO
DEFENDANTS' RESPONSE TO
PLAINTIFF'S MOTIONS IN LIMINE**

**NOTED FOR HEARING:
SEPTEMBER 15, 2006**

I, MICHELLE A. MENELY, being first duly sworn on oath, deposes and says:

1. I am one of the attorneys for plaintiff in the above-entitled matter; I make this declaration based on my own personal knowledge.

2. Attached hereto as **Exhibit A** is a true and correct copy of the following pages from the deposition of R.K.: 18

MENELEY DECL. RE: P.'S REPLY TO D.'S RESP. TO P'S MIL - 1 of 2
(04-2338RSM)

[170065 v1.doc]

LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA
PETERSON & DAHEIM LLP
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600 UNIVERSITY, SUITE 2100
SEATTLE, WASHINGTON 98101-4185
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1 I DECLARE UNDER PENALTY OF PERJURY that the foregoing is true and
2 correct.
3

4 DATED at Seattle, Washington, this 15th day of September, 2006.
5

6 /s/ Michelle A. Menely
7 Michelle A. Menely
8
9

10 CERTIFICATE OF SERVICE

11 I hereby certify that on September 15, 2006, I electronically filed the foregoing
12 Declaration of Michelle A. Menely with the Clerk of the Court using the CM/ECF system
13 which will send notification of such filing to the following:

14 Charles C. Gordon/Jeffrey I. Tilden/Michael Rosenberger
15 GORDON MURRAY TILDEN
16 1001 4TH AVE, STE 4000
17 SEATTLE, WA 98154
18 206-467-6477
19 Email: cgordon@gmtlaw.com; jtilden@gmtlaw.com;
20 mrosenberger@gmtlaw.com

21 /s/ Carol Wohlwend
22 Legal Assistant to Michelle Menely
23
24
25
26

MENELEY DECL. RE: P.'S REPLY TO D.'S RESP. TO P'S MIL - 2 of 2
(04-2338RSM)
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WESTERN DISTRICT OF WASHINGTON
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KENNETH FLEMING and JOHN DOE,)
Plaintiffs,)
vs.) NO. 04-2338 RSM
THE CORPORATION OF THE PRESIDENT OF THE)
CHURCH OF JESUS CHRIST OF LATTER-DAY)
SAINTS, a Utah corporation sole, a/k/a)
"MORMON CHURCH"; LDS SOCIAL SERVICES)
a/k/a LDS FAMILY SERVICES, a Utah)
corporation,)
Defendant.)

DEPOSITION UPON ORAL EXAMINATION OF

ROBERT KELLY

VIDEOTAPED PROCEEDING

1:10 o'clock p.m.

August 29, 2005

601 Union Street

Suite 3100

Seattle, Washington

REPORTED BY:
ALISON LOTT, CCR#2337

Verb8M Reporting
800 Fifth Ave., Suite 101-122 , Seattle, WA 98104 - (206) 467-0800

bd84b9e1-33a5-4271-9e07-e718630ca143

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1 Q How well?

2 A Very well.

3 Q You say you knew him very well. What do you mean by that?

4 Did you see him on a regular basis?

5 A Yes.

6 Q Did you speak with him on a regular basis?

7 A Yes.

8 Q Did you stay overnight at the Allenbach residence as a

9 young boy?

10 A Occasionally, yeah.

11 Q Did the Allenbach children come and stay at your place?

12 A Occasionally, they did.

13 Q Were you and Jimmy Allenbach good friends?

14 A Yes, very good friends. Ricky, too.

15 Q Where did you first meet Jack Loholt?

16 A First met Jack when he moved into the Allenbach home.

17 Q Where did he live in that home?

18 A He lived in a downstairs apartment.

19 Q And were you in grade school at the time that you first met

20 him or did you meet him before you started grade school?

21 A I was in grade school at the time.

22 Q Do you remember what grade you were in?

23 A Don't recall what grade.

24 Q In your answers to interrogatories, you list in response to

25 a question to describe the occurrences of inappropriate